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Special Counsel for the Nevada  
Commission on Judicial Discipline

**BEFORE THE NEVADA COMMISSION  
ON JUDICIAL DISCIPLINE**

**STATE OF NEVADA**

IN THE MATTER OF THE HONORABLE  
ERIKA BALLOU, District Court Judge,  
Eighth Judicial District Court, Clark County,  
State of Nevada,

Case Nos.: 2024-103-P  
2024-105-P

Respondent.

**FORMAL STATEMENT OF CHARGES**

THOMAS C. BRADLEY, Special Counsel for the Nevada Commission on Judicial  
Discipline ("Commission"), hereby files this Formal Statement of Charges and informs the  
Honorable ERIKA BALLOU, District Court Judge, Eighth Judicial District Court, Clark County,  
State of Nevada ("Judge Ballou"), that she violated the Revised Nevada Code of Judicial  
Conduct (the "Code") as alleged herein.

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## JURISDICTION

The Commission has jurisdiction to discipline a justice of the supreme court, a judge of the court of appeals, a district court judge, a justice of the peace or a municipal judge for violations of the Code. *See Nev. Const. art. 6, § 21, NRS 1.425 et seq.; Canon 1, Rule 1.1 of the Code.*

Judge Ballou was sworn in as a district court judge on or about January 4, 2021, and continues to serve as a judicial officer in that capacity. Judge Ballou committed all actions described herein while serving as a district court judge.

## FACTUAL ALLEGATIONS

During the period from January 4, 2021, through May 4, 2024, Judge Ballou, in her capacity as a district court judge, engaged in the following acts, or a combination of acts ("acts" or "actions"):

A. In 2021, Judge Ballou conducted an evidentiary hearing on Mia Christman's Petition for a Writ of Habeas Corpus ("Petition"). Christman had plead guilty to a serious felony offense in 2017 and was sentenced to a term of imprisonment. In her Petition, Christman asserted that she received ineffective assistance of counsel during the sentencing phase of her case. Following the hearing, Judge Ballou granted Christman's Petition and ordered her released on her own recognizance.

The State of Nevada ("State") then appealed Judge Ballou's decision. On August 11, 2022, the Nevada Supreme Court ("Supreme Court") reversed Judge Ballou's decision and ruled that the record did not support her finding that counsel performed ineffectively at sentencing and that Christman had, therefore, failed to show relief was warranted. The Supreme Court ordered the judgment of the district court be reversed and remanded the matter to the district court for proceedings consistent with that order.

1 This order of reversal resolved Christman's ineffective-assistance-of-counsel claim and  
2 required Judge Ballou to enter an order to give effect to that judgment by entering an  
3 order denying the postconviction habeas petition.

4 Judge Ballou failed to follow the Supreme Court's mandate and enter judgment for the  
5 State. Instead, Judge Ballou scheduled another evidentiary hearing to do precisely what  
6 she lacked authority to do – reopen consideration of an issue specifically resolved by the  
7 Supreme Court on appeal. Judge Ballou did not seek to resolve an issue left unsettled by  
8 the Supreme Court, but contrary to the Supreme Court's order, sought to permit  
9 Christman to re-litigate a settled matter, thereby violating Nevada's well accepted law-of-  
10 the-case doctrine.

11 For months, the State repeatedly objected to Judge Ballou scheduling a new evidentiary  
12 hearing on the ineffective-assistance-of-counsel claim. The State also requested that  
13 Judge Ballou enter judgment in favor of the State and remand Christman into custody  
14 pursuant to the Supreme Court's order of reversal and mandate on remand. Judge Ballou  
15 refused to grant the State's requests despite that order and mandate.

16 B. The State, apparently frustrated with Judge Ballou's refusal to follow the Supreme  
17 Court's clear mandate, filed a writ of mandamus seeking an order directing Judge Ballou  
18 to vacate the scheduled evidentiary hearing, enter judgment in favor of the State, and  
19 remand Christman into custody. On October 12, 2023, the Supreme Court granted the  
20 State's petition and ruled that Judge Ballou failed to follow the Supreme Court's  
21 mandate. The Supreme Court yet again ordered Judge Ballou to enter judgment in favor  
22 of the State. Despite the Supreme Court order mandating compliance, Judge Ballou  
23 continued to fail to immediately enter judgment in favor of the State and to remand  
24 Christman into custody.

1 C. On April 24, 2024, the State filed a motion before the Supreme Court to enforce the  
2 Supreme Court's prior mandates. While that motion was pending in the Supreme Court,  
3 the State filed a motion in the district court to recuse Judge Ballou in Christman's  
4 underlying criminal case. In response, Christman filed a motion to strike the recusal  
5 motion claiming that the motion should have been filed in her post-conviction case.  
6 Without conceding that point or withdrawing the motion from the underlying criminal  
7 case, on May 2, 2024, the State filed an additional motion to recuse Judge Ballou in the  
8 post-conviction case. Under Nevada law, once a motion to recuse is filed, the judge  
9 against whom the motion is filed is not permitted to take any action in the case. However,  
10 Judge Ballou entered two minute orders on May 2, 2024, while the motions to recuse  
11 were pending a decision. In the first minute order, Judge Ballou granted Christman's  
12 motion to strike the State's recusal motion.

13 D. In the second minute order, Judge Ballou granted Christman's motion to modify her  
14 original 2017 sentence of imprisonment. On May 3, 2024, the Supreme Court ruled upon  
15 the State's motion to enforce the Supreme Court's mandate. The Supreme Court elected  
16 to deny the State's motion for enforcement and instead directed the Chief Judge of the  
17 Eighth Judicial District Court to reassign Christman's postconviction and underlying  
18 criminal case to a different district court judge. The Supreme Court stated that upon  
19 reassignment of those cases, the newly appointed district court judge shall promptly  
20 comply with the Supreme Court's mandate outlined in its two prior Christman orders.  
21 The Christman cases were reassigned to District Court Judge Johnson who immediately  
22 entered judgment in favor of the State and remanded Christman into custody. Judge  
23 Johnson also ruled that Judge Ballou had violated Nevada law by issuing both minute  
24 orders while the motion to recuse was pending.

1 E. Throughout her involvement in the Christman cases, Judge Ballou exhibited a pattern of  
2 conduct that demonstrated a clear bias in favor of Christman and against the State. This  
3 bias was evidenced through a combination of actions, omissions, and on-the-record  
4 statements that, taken together, reflect a departure from the standard of impartiality  
5 required of a Nevada judicial officer. Notably, Judge Ballou failed to comply with the  
6 express mandate of two Supreme Court orders in the Christman case. This conduct  
7 demonstrates her total disregard for binding higher court authority. Moreover, Judge  
8 Ballou issued two separate minute orders while a motion to recuse her from the matter  
9 was still pending -- a move that undermines the appearance of neutrality and contravenes  
10 the Code. In addition, Judge Ballou made multiple statements on the record during  
11 proceedings that further evidenced her partiality toward Christman. These statements,  
12 considered in the broader context of her conduct in the case, reinforce the conclusion that  
13 Judge Ballou's ability to fairly and impartially preside over the matter was compromised.  
14 Judge Ballou violated the Code by failing to disqualify herself in the Christman cases.

15 F. On or about July 31, 2024, Judge Ballou was formally notified that the Commission had  
16 initiated an investigation into her conduct in connection with the Christman matter.  
17 Following this notification, the Commission's duly appointed investigator made multiple  
18 attempts to contact Judge Ballou by email and telephone for the purpose of scheduling a  
19 critically important in-person interview as part of the Commission's investigative  
20 process.

21 Due to Judge Ballou's unresponsiveness, the Commission investigator also contacted  
22 Chief Judge Wiese of the Eighth Judicial District Court and Judge Ballou's counsel.  
23 Despite these efforts, Judge Ballou failed to timely schedule an investigative interview,  
24 thereby necessitating the Commission's issuance of a subpoena to Judge Ballou. Her  
25 refusal to schedule an interview in a timely manner impeded the progress of the

1 investigation and demonstrated a lack of cooperation with the investigative process.

2 Judge Ballou's conduct violated her duty to cooperate with the Commission.

3 **COUNT ONE**

4 By engaging in the acts, or combination of acts, described in Paragraph A, Judge Ballou  
5 violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following Rules:

6 Rule 1.2, requiring a judge to act at all times in a manner that promotes public confidence  
7 in the independence, integrity and impartiality of the judiciary and avoiding impropriety and the  
8 appearance of impropriety; and/or

9 Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties of judicial  
10 office fairly and impartially; and/or

11 Rule 2.5, requiring a judge to perform judicial and administrative duties competently and  
12 diligently.

13 **COUNT TWO**

14 By engaging in the acts, or combination of acts, described in Paragraph B above, Judge  
15 Ballou violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following  
16 Rules:

17 Rule 1.2, requiring a judge to act at all times in a manner that promotes public confidence  
18 in the independence, integrity and impartiality of the judiciary and avoiding impropriety and the  
19 appearance of impropriety; and/or

20 Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties of judicial  
21 office fairly and impartially; and/or

22 Rule 2.5, requiring a judge to perform judicial and administrative duties competently and  
23 diligently.

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**COUNT THREE**

By engaging in the acts, or combination of acts, described in Paragraph C above, Judge Ballou violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following Rules:

Rule 1.2, requiring a judge to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety; and/or

Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties of judicial office fairly and impartially; and/or

Rule 2.5, requiring a judge to perform judicial and administrative duties competently and diligently.

**COUNT FOUR**

By engaging in the acts, or combination of acts, described in Paragraph D above, Judge Ballou violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following Rules:

Rule 1.2, requiring a judge to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and avoiding impropriety and the appearance of impropriety; and/or

Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties of judicial office fairly and impartially; and/or

Rule 2.5, requiring a judge to perform judicial and administrative duties competently and diligently.

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1 **COUNT FIVE**

2 By engaging in the acts, or combination of acts, described in Paragraph E above, Judge  
3 Ballou violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following  
4 Rules:

5 Rule 1.2, requiring a judge to act at all times in a manner that promotes public  
6 confidence in the independence, integrity and impartiality of the judiciary and avoiding  
7 impropriety and the appearance of impropriety; and/or

8 Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties of judicial  
9 office fairly and impartially; and/or

10 Rule 2.3(A) and/or (B), requiring a judge to perform the duties of judicial office without  
11 bias or prejudice or by words or conduct manifest bias or prejudice; and/or

12 Rule 2.5, requiring a judge to perform judicial and administrative duties competently and  
13 diligently; and/or

14 Rule 2.11, requiring a judge to disqualify himself or herself in any proceeding in which  
15 the judge's impartiality might reasonably be questioned.

16 **COUNT SIX**

17 By engaging in the acts, or combination of acts, described in Paragraph F above, Judge  
18 Ballou violated Rule 1.1 of the Code, by knowingly or unknowingly violating the following  
19 Rules:

20 Rule 1.2, requiring a judge to act at all times in a manner that promotes public confidence  
21 in the independence, integrity and impartiality of the judiciary and avoiding impropriety and the  
22 appearance of impropriety; and/or


23 Rule 2.16(A), requiring a judge to cooperate and be candid and honest with judicial and  
24 lawyer disciplinary agencies.  
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1 Judge Ballou's actions constitute either a violation of the Code that was knowing and  
2 deliberate or a violation that was not knowing and deliberate. Both types of violations are  
3 contrary to the form, force and effect of the Code.

4 RESPECTFULLY SUBMITTED this 24 day of April, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was placed in the U.S. Mail, postage pre-paid, on this 24 day of April, 2025 addressed to:

Thomas Pitaro, Esq.  
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Las Vegas, NV 89101  
pitaro@gmail.com

By:   
Employee of Law Office of Thomas C. Bradley